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GENERAL ORDERS, }

No. 131.

WAR DEPARTMENT,

ADJUTANT GENERAL'S OFFICE,

Washington, May 15, 1863.

I.—Before a General Court Martial, which convened in the city of Baltimore, Maryland, March 6th, 1863, pursuant to Special Orders, No. 43, dated Headquarters Middle Department, Baltimore, Maryland, February 13, 1863, and of which Brigadier General L. P. GRAHAM, U. S. Volunteers, is President, was arraigned and tried—

Private *James E. Free*, Company "I," 150th New York Volunteers.

CHARGE I.—"Desertion."

*Specification 1st*—"In this; that he, the said Private *James E. Free*, Company "I," one hundred and fiftieth Regiment New York State Volunteers, after having been duly enlisted and mustered into the service of the United States, did desert the same, on the eleventh day of October, eighteen hundred and sixty-two, while his Regiment was on its way from Camp Dutchess, Poughkeepsie, New York, to Baltimore, and did not return to his Regiment until arrested and sent on by the civil authorities."

*Specification 2d*—"In this; that he, the said Private *James E. Free*, Company "I," one hundred and fiftieth Regiment New York State Volunteers, did, on the eighth day of December, eighteen hundred and sixty-two, desert the same, and did not return until the twelfth day of December, eighteen hundred and sixty-two."

CHARGE II.—"Violation of the ninth Article of War."

*Specification*—"In this; that he, the said Private *James E. Free*, did, on the twelfth day of December, eighteen hundred and sixty-two, forcibly resist the Officer of the Day while in the execution of his duty, and did at the same time threaten to take the life of the said Officer of the Day."

To which charges and specifications the accused, Private *James E. Free*, Company "I," 150th New York Volunteers, pleaded "Not Guilty."

## FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Private *James E. Free*, Company "I," 150th New York Volunteers, as follows:

## CHARGE I.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty, except the word 'desert.'"

Of the CHARGE, "Guilty."

## CHARGE II.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

## SENTENCE.

And the Court does therefore sentence "That said Private *James E. Free*, shall forfeit all pay and allowances due and to become due; and shall be shot to death with musketry at such time and place as the General Commanding the Middle Department shall prescribe, two thirds of the members concurring therein."

II.—Before a General Court Martial which convened at Williamsport, Maryland, December 8, 1862, pursuant to Special Orders, No. 1, dated November 15, 1862, and No. —, dated November 16, 1862, Headquarters Defences Upper Potomac, and of which Captain J. McF. LYETH, 1st Maryland Volunteers, is President, was arraigned and tried—

Corporal *St. Clair Lancaster*, Company "I," 7th Maryland Volunteers.

CHARGE I.—"Attempt to excite mutiny."

*Specification*—"In this; that the said Corporal *St. Clair Lancaster*, Company 'I,' 7th Regiment Maryland Volunteers, on the 4th day of November, 1862, did disobey positive orders from his officers, declaring that he would go to Harper's Ferry and serve his time

on the works, unless certain government bounty was paid to him. Did also quit his post and inquired how many of his comrades would go with him. This at Moore's House, Maryland."

#### CHARGE II.—"Desertion."

*Specification*—"In this; that the said Corporal *St. Clair Lancaster*, Company 'I,' 7th Regiment Maryland Volunteers, on the 4th day of November, 1862, did desert from his company, and when arrested by patrol did declare his intention to never rejoin his company. Was arrested on the 14th day of November, 1862. This at Moore's House, near McCoy's Ferry, Washington county, Maryland."

To which charges and specifications the accused, Corporal *St. Clair Lancaster*, Company "I," 7th Maryland Volunteers, pleaded "Not Guilty."

#### FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Corporal *St. Clair Lancaster*, Company "I," 7th Maryland Volunteers, as follows:

#### CHARGE I.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

#### CHARGE II.

Of the *Specification*, "Guilty."

Of the CHARGE, "Guilty."

#### SENTENCE.

And the Court does therefore sentence him, Corporal *St. Clair Lancaster*, Company "I," 7th Maryland Volunteers, "To be shot to death at such time and place as the Commanding General may direct, two-thirds of the members concurring therein."

III. The proceedings of the Court in the case of Private *James E. Free*, of Company "I," 150th Regiment New York Volunteers, have been approved by the General Commanding the Middle Department, and forwarded for the action of the President of the United States, who is pleased to remit the sentence awarded the prisoner, and directs that he be restored to duty.

The proceedings of the Court in the case of Corporal *St. Clair Lancaster*, of Company "I," 7th Maryland Volunteers, have been approved by the General Commanding the Middle Department, and forwarded for the action of the President of the United States, who directs that the sentence be commuted to imprisonment for one month, from the eleventh day of May, 1863.

BY ORDER OF THE SECRETARY OF WAR:

E. D. TOWNSEND,  
*Assistant Adjutant General.*